

ORDINANCE NO. _____

AN ORDINANCE amending Chapter 27.63 of the Lincoln Municipal Code relating to special permits by amending Sections 27.63.010, 27.63.070, 27.63.120, 27.63.130, 27.63.170, 27.63.210, 27.63.280, 27.63.400, 27.63.420, 27.63.430, 27.63.470, 27.63.530, 27.63.570, 27.63.580, and 27.63.590 to modify provisions within said sections to allow special permits to be approved by the Planning Commission rather than the City Council; and repealing Sections 27.63.010, 27.63.070, 27.63.120, 27.63.130, 27.63.170, 27.63.210, 27.63.280, 27.63.400, 27.63.420, 27.63.430, 27.63.470, 27.63.530, 27.63.570, 27.63.580, and 27.63.590 of the Lincoln Municipal Code as hitherto existing.

BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

Section 1. That Section 27.63.010 of the Lincoln Municipal Code be amended to read as follows:

27.63.010 Procedures.

Certain development or uses of land by their nature tend to be incompatible with other land uses in the same zoning district, but may be found acceptable in certain circumstances when conditioned in a manner to protect abutting land uses and to protect the character of the area. ~~Special uses listed in this chapter may be authorized by the Planning Commission except in those instances where City Council authorization is specifically required.~~

Applications for a special permit under this chapter shall be filed by the owner in writing with the Planning Department on a form provided by the city. Upon filing of the application, the City Council shall refer the application to the Planning Commission. The Planning Commission may authorize, by special permit after public hearing, any of the following buildings or uses desig-

1 nated in this chapter as permitted special uses. Such permitted special uses shall be restricted to the
2 particular district or districts listed under the applicable provisions below. Said special permit shall
3 require conformance with all regulations of the applicable sections of this chapter. The Planning
4 Commission shall impose such conditions as are appropriate and necessary to ensure compliance
5 with the comprehensive plan and protect the health, safety, and general welfare in the issuance of
6 any such special permits. Where specifically authorized under the applicable provisions below for
7 any of the buildings or uses designated in this chapter as permitted special uses, the City Council
8 may decrease the minimum regulations of the district in which the permitted special use is located
9 or modify the specific conditions for approval of the special permit provided the public welfare and
10 interest of the city and surrounding area are protected and the general interest and spirit of these
11 regulations are preserved. Unless expressly modified by the terms of the special permit, all
12 regulations of the district in which the permitted special use is located shall apply. Copies of a plot
13 plan of the lot and proposed uses drawn to an accurate scale and showing all pertinent information
14 shall accompany a request for a special permit.

15 Section 2. That Section 27.63.070 of the Lincoln Municipal Code be amended to
16 read as follows:

17 **27.63.070 Permitted Special Use: Early Childhood Care Facilities.**

18 Early childhood care facilities may be allowed by special permit in the AG, AGR, R-1, R-2,
19 R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-2, O-3, R-T, H-4, I-1, I-2, or I-3 zoning districts under the
20 following conditions:

21 (a) The application shall be accompanied by the following information:

22 (1) The number of children and number of staff members on the largest shift;

1 (2) A physical description of the facility and a site plan drawn to scale that includes,
2 but is not limited to, the location and arrangement of parking spaces, the traffic circulation pattern,
3 loading and unloading areas, fencing, play area, and entrances/exits to such facility.

4 (3) If the proposed facility is for twenty-one or more children and is located in a
5 residential district, the application must also include a conversion plan which complies with the
6 design standards for early childhood care facilities.

7 (b) Prior to occupancy, such facilities shall comply with all applicable state and local early
8 childhood care and building requirements.

9 (c) Facilities with twenty-one to thirty children ~~shall~~ should be located on collector or
10 arterial streets. Facilities with thirty-one or more children ~~shall~~ should be located on an arterial
11 street. The location of such facilities on such streets shall comply with the design standards for early
12 childhood care facilities.

13 (d) The site plan and play area for such facilities shall comply with the design standards
14 for early childhood care facilities.

15 (e) The parking and loading/unloading area for such facilities shall comply with the
16 provisions of Chapter 27.67 of the Lincoln Municipal Code. In residential districts, such parking
17 and loading/unloading area shall comply with the design standards for early childhood care facilities.

18 (f) If the proposed facility is located in an industrial district, the applicant shall submit to
19 the Health Department, for its review and recommendation, information on the storage and use of
20 hazardous chemicals in the vicinity, evacuation plans and internal air quality control.

21 ~~—(g) The City Council may modify these conditions, except for condition (b).~~

22 Section 3. That Section 27.63.120 of the Lincoln Municipal Code be amended to read
23 as follows:

27.63.120 Permitted Special Use: Mobile Home Courts.

Mobile home courts may be allowed by special permit in the R-1, R-2, R-3, and R-4 zoning districts under the following conditions:

(a) The mobile home court has a minimum site area of ten acres.

(b) The average lot per family within the court shall not be less than the lot area per family required in the district or districts in which the mobile home court is located.

(c) Twenty-five feet shall be maintained between mobile homes, and between mobile homes and buildings, in all horizontal directions, except as otherwise provided under Section 21.56.070 of the Lincoln Municipal Code.

(d) No mobile home shall be located closer than fifty feet to any exterior property line, except when the mobile home is located adjacent to a trailer court or another mobile home court. Land within said fifty-foot exterior open space shall be permanently landscaped in accordance with the landscape design standards adopted by the City of Lincoln, except for the necessary paving of roadways and walkways to reach the mobile home area; provided, however, such landscaping shall not create a traffic hazard by impairing visibility at street and roadway intersections.

(e) Mobile homes within the mobile home court shall be required to have a setback of at least twenty feet from the pavement of private roadways.

(f) The design and construction or installation of roadways, walkways, parking spaces, utilities, drainage facilities, storage facilities, recreational facilities, landscaping, and other improvements shall comply with the written design standards established by resolution of the City Council. Said design standards shall be filed with the City Clerk and made available upon request.

1 (g) No mobile home court shall be occupied or otherwise used until the appropriate city
2 official has found the same is in compliance with the resolution ~~adopted by the City Council~~
3 approving said special permit and all other applicable laws, regulations, and requirements.

4 (h) A special permit for a mobile home court shall be temporary and shall be valid only
5 so long as the mobile home court existing thereunder complies with the resolution ~~adopted by the~~
6 ~~City Council~~ approving said special permit and all other applicable laws, regulations, and
7 requirements.

8 (i) The ~~City Council~~ Planning Commission may permit uses accessory to mobile homes
9 and mobile home courts in the nature of off-street parking facilities, private recreational facilities,
10 and storage and maintenance facilities.

11 (j) If the applicant requests a combination special permit for both a mobile home court and
12 a community unit plan, the ~~City Council~~ Planning Commission may adjust the requirements set forth
13 in subparagraphs (c), (d), (e) and (f) when such adjustments would be consistent with the intent and
14 purpose of this title to promote public safety and general welfare. However, this paragraph does not
15 allow the minimum court area to be reduced to less than ten acres.

16 (k) Individual lots in mobile home courts may be created under the following conditions:

17 (1) A combination special permit for both a mobile home court and a community unit
18 plan is granted for such mobile home court;

19 (2) The lot area and average lot width for each proposed lot complies with the
20 requirements of the underlying district, and no adjustments thereto are granted under the community
21 unit plan provisions of the required special permit;

22 (3) The proposed subdivision complies with the land subdivision ordinance, being
23 Title 26 of the Lincoln Municipal Code;

1 (4) The proposed mobile home lots shall not include all or any portion of the private
2 roadways within said mobile home court; and

3 (5) Provisions for permanent and continuous maintenance and supervision of the
4 common areas, and private utilities and facilities shall be incorporated in covenants and restrictions
5 governing the subdivided property and shall be approved by the City Attorney prior to filing in the
6 office of the Register of Deeds.

7 Section 4. That Section 27.63.130 of the Lincoln Municipal Code be amended to read
8 as follows:

9 **27.63.130 Permitted Special Use: Recreational Facilities.**

10 Recreational facilities may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-
11 4, R-5, R-6, R-7, R-8, O-1, O-3, B-1, B-2, and B-3 zoning districts, in conformance with the
12 following conditions:

13 (a) The application for such special permit shall provide the following information:

14 (1) A statement describing all proposed accessory uses and accessory buildings to be
15 included as part of the recreational facility.

16 (2) A site plan showing the location, height, and use of all structures on the parcel.

17 (b) Yard requirements in excess of those required in the district may be imposed. In the
18 AG district, the City Council may decrease the yard requirements with consideration given to both
19 the recreational facilities and the adjacent environment.

20 (c) Parking shall be in conformance with Chapter 27.67; additional parking requirements
21 may be imposed; no parking shall be permitted in any required yard. The application shall include
22 the applicant's estimate of parking needed for the proposed facility.

1 (d) Outdoor lighting of the recreational facility may be permitted in conformance with the
2 requirements for lighting of parking lots in Chapter 27.67 and any standards adopted by resolution
3 of the City Council.

4 (e) All buildings, including accessory buildings, shall be located so that they will not
5 adversely affect any existing or reasonably anticipated future uses in the surrounding area.

6 (f) The ~~City Council~~ Planning Commission may authorize temporary structures which
7 exceed the maximum height requirements of the district in which they are located upon a finding
8 by the ~~City Council~~ Planning Commission that there is sufficient justification for such an adjustment
9 and that there will be no significant adverse affect on existing or reasonably anticipated future uses
10 in the surrounding area.

11 (g) As part of the special permit for a recreational facility for a golf course or country club,
12 the ~~City Council~~ Planning Commission may permit the sale of alcoholic beverages for consumption
13 on the premises as an accessory use to the golf course or country club, provided the applicable
14 locational requirements of Section 27.63.680 have been met or waived by the City Council.

15 Section 5. That Section 27.63.170 of the Lincoln Municipal Code be amended to read
16 as follows:

17 **27.63.170 Permitted Special Use: Parking Lots.**

18 (a) Parking lots may be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6, R-7,
19 R-8, and O-2 zoning districts in conformance with the provisions of Chapter 27.67 and under one
20 of the following conditions:

21 (1) A. The premises upon which the parking lot is located shall not be located more
22 than 300 feet from the boundary of one of the following districts: O-1, B-1, B-3, B-4, H-2, H-3, or
23 I-1 and the following conditions shall be met:

1 (i) The parking lot shall not use a local residential street for access, unless
2 access cannot be gained to the proposed parking lot from a non-residential street. If access is
3 proposed from a local residential street, such access must be gained at a location that does not
4 negatively impact adjacent residential zoned property.

5 (ii) Any adjacent alley serving the parking lot shall be paved.

6 (iii) Any lighting facility shall be orientated to eliminate light trespass on
7 adjacent residentially zoned properties in accordance with adopted design standards.

8 B. In addition to the above conditions, the ~~City Council~~ Planning Commission,
9 in passing upon applications for special permits under subparagraph (1), shall also consider the
10 following criteria:

11 (i) There shall be no residential use located between the parking lot and the
12 commercial or industrial establishment.

13 (ii) The parking lot shall not disrupt the continuity of the block face, and the
14 character of the existing residential neighborhood shall be preserved.

15 (iii) The parking lot shall be allowed only if it can function as a transitional
16 use while protecting the adjacent residential use.

17 (iv) The parking lot shall abut a commercial or industrial zoning district.

18 An adjustment to these criteria may be granted by the ~~City Council~~ Planning Commission
19 upon a determination that there is a sufficient cause for such an adjustment and that there will be no
20 significant impact on adjacent residential uses, or

21 (2) The land shall not be located more than 360 feet from property occupied by a
22 college, university, or church; provided that the parking lots are used primarily in connection with
23 the said college, university, or church.

(b) Parking areas consisting of less than six parking spaces may be allowed by special permit in the same zoning districts in conformance with the same provisions and under the same conditions applicable to parking lots as contained in paragraph (a) of this section.

Section 6. That Section 27.63.210 of the Lincoln Municipal Code be amended to read as follows:

27.63.210 Permitted Special Use: Elderly or Retirement Housing.

Housing and related facilities for the elderly, either individually or in groups including accessory uses, shall be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 zoning districts under the following conditions:

(a) The height and yard requirements of the district in which the proposed use is located may be adjusted to provide flexibility in the placement of buildings and to provide compatibility with surrounding uses except that solar access to adjacent buildings or potential buildings on lands under other ownership shall not be reduced by such adjustment.

(b) The minimum lot area of the district, or density requirement, shall not apply; provided, however, that the maximum number of units allowed shall be the greater of those permitted in the underlying zoning district or the community unit plan without bonuses, unless modified by subsection (h) below.

(c) Parking areas or buildings that are of a substantially different character or size than those normally found in that district or neighborhood shall be landscaped and screened in conformance with the standards adopted by resolution of the City Council, and the requirements of Chapter 27.67.

(d) The proposed use shall not have any adverse or detrimental effect upon the values of the surrounding real property.

1 (e) One dwelling unit in an elderly housing project may be designated as a caretaker unit
2 and the occupants thereof shall not be subject to the age requirements otherwise applicable to
3 occupants of such a project.

4 (f) Ten percent of the dwelling units in an elderly or retirement housing project may be
5 designated as units for handicapped persons and the occupants thereof shall not be subject to the age
6 requirements otherwise applicable to occupants of such a project. All of the units designated as
7 units for handicapped persons shall comply with the "Design Standards for Density Bonuses"
8 relating to housing for the handicapped as adopted by the City Council.

9 (g) Any individual under sixty years of age who resides with an elderly person sixty years
10 of age or more in an elderly or retirement housing project dwelling unit may continue to reside in
11 that dwelling unit after such elderly person has died or due to health reasons has been relocated to
12 a different residence.

13 (h) The ~~City Council~~ Planning Commission may grant, dependent upon the character of the
14 development and effect on adjacent land uses; ~~a dwelling unit bonus. Such bonus shall be a~~
15 ~~percentage of units allowed in (b) above.~~

16 (1) An increase of up to fifty percent in dwelling units over the maximum number of
17 units allowed in (b) above, provided that all of the elderly or retirement housing and related facilities
18 (including bonus units approved in this subsection (1)) comply with section 2.1 (general standards)
19 of the "Design Standards for Density Bonuses" as adopted by the City Council; or

20 (2) An increase of up to eighty percent in dwelling units over the maximum number
21 of units allowed in (b) above; provided:

1 (i) That all of the elderly or retirement housing and related facilities (including
2 bonus units approved in this subsection (2)) comply with section 2.1 (general standards) of the
3 "Design Standards for Density Bonuses" as adopted by the City Council; and

4 (ii) All bonus units approved in excess of fifty percent in dwelling units over the
5 maximum number of units allowed in (b) above comply with section 2.2 (individual unit standards)
6 of the "Design Standards for Density Bonuses" as adopted by the City Council; or

7 (3) An increase of up to one hundred percent in dwelling units over the maximum
8 number of units allowed in (b) above, provided that all of the elderly or retirement housing and
9 related facilities (including bonus units approved in this subsection (3)) comply with section 2.1
10 (general standards) and section 2.2 (individual unit standards) of the "Design Standards for Density
11 Bonuses" as adopted by the City Council. ~~This bonus may be granted, dependent upon the~~
12 ~~character of the development and effect on adjacent land uses, when the dwelling unit bonuses~~
13 ~~provided for in subsections (1) and (2) above are not granted~~ and the proposed site meets all of the
14 following criteria:

15 (i) the minimum lot area is at least two acres;

16 (ii) the lot is less than 2,640 feet from a designated community or neighborhood
17 center; and

18 (iii) the lot is contiguous with a designated arterial street.

19 (i) Parking shall be in compliance with Section 27.67.040(d)(2) unless modified under
20 Section 27.67.030(f) or under the conditions of the special permit. A parking stall with a minimum
21 width of twelve feet shall be required at the rate of one space for every ten stalls required. Parking
22 may be deferred or reduced where the developer substantiates the decreased need for parking. Plans

1 shall show the location of deferred construction and shall meet city requirements for parking lot de-
2 sign.

3 Section 7. That Section 27.63.280 of the Lincoln Municipal Code be amended to read
4 as follows:

5 **27.63.280 Special Permits: Expansion of Nonconforming Uses.**

6 In all zoning districts, except the B-5 zoning district, a special permit may be granted to
7 authorize the issuance of a building permit to permit the enlargement, extension, conversion,
8 reconstruction or structural alteration of any building located upon premises, the use of which
9 constitute a nonconforming use. In consideration of applications for such special permits, the fol-
10 lowing criteria shall be given specific consideration:

- 11 (a) Effects on adjacent property, traffic, city utility service needs;
12 (b) Density of land use zoning for the subject property and adjacent property;
13 (c) The degree of hardship upon the applicant which would be caused by failure to grant
14 such a permit.

15 Signs permitted in the most restrictive zoning district in which the nonconforming use is
16 allowed as a permitted or a conditional permitted use may be approved as part of the enlargement,
17 extension, conversion, reconstruction, or structural alteration of any building located upon premises,
18 the use of which constitutes a nonconforming use; provided, that the total sign area permitted by the
19 underlying district in which the nonconforming use is located shall not be exceeded unless the ~~City~~
20 Council Planning Commission finds that:

- 21 (1) The sign or signs and their illumination, if any, will not adversely affect the
22 surrounding area; and
23 (2) The sign or signs are necessary for the expansion of the nonconforming use.

Section 8. That Section 27.63.400 of the Lincoln Municipal Code be amended to read as follows:

27.63.400 Permitted Special Use: Historic Preservation.

In any zoning district a special permit may be granted to allow the preservation of a historic structure or site and the reuse thereof. This permit shall be limited to structures or sites designated as landmarks under Chapter 27.57.

(a) The ~~City Council~~ Planning Commission may approve, by special permit, any use of a historic structure or site in any zoning district after review and consideration of the following:

(1) The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district;

(2) The extent to which economic factors necessitate the change in use;

(3) The extent of proposed exterior change to the structure or site;

(4) The impact on the surrounding area;

(5) The compatibility of the proposed use to the structure or site and the surrounding area; and

(6) The manner in which the public will be benefitted by such proposed use.

(b) The applicant shall submit with the application for a special permit the following:

(1) A plan of the existing and proposed grounds surrounding the structure or site, including outdoor furniture and plant material;

(2) A parking layout;

(3) Details regarding all proposed exterior modifications of the structure or site;

(4) Details of how the preservation of the structure or site is to be accomplished;

1 (5) Signs proposed for the structure or site; and

2 (6) Information concerning the economic use of the property.

3 (c) The Historic Preservation Commission shall review the proposal for reuse for the
4 structure or site, including information regarding the above criteria, and for compliance with the
5 guidelines developed for that landmark. The Preservation Commission shall make its recommen-
6 dation to the Planning Commission prior to the public hearing required under Section 27.63.020, and
7 after such hearing, the Planning Commission shall forward its recommendations and those of the
8 Preservation Commission to the City Council. Upon approval of the special permit by the City
9 Council Planning Commission, a certificate of appropriateness shall be deemed to have been granted
10 for any changes needing a certificate under Chapter 27.57 and shown in the application for special
11 permit.

12 (d) The parking requirements of Chapter 27.67 may be modified for a structure designated
13 as a landmark under Chapter 27.57, where modifications to the requirements of Chapter 27.67 are
14 necessary to ensure preservation of the landmark.

15 (e) The sign requirements of Chapter 27.69 may be modified as described in Section
16 27.69.160 of the Lincoln Municipal Code, varying yard requirements and permitted number of signs,
17 provided the Historic Preservation Commission has granted a certificate of appropriateness for the
18 proposed signs, and the ~~City Council~~ Planning Commission has considered the following:

19 (1) The impact of the sign or signs and their illumination, if any, on the surrounding
20 area;

21 (2) The appropriateness of the sign or signs and their locations for the landmark and
22 its site; and

23 (3) The necessity of the sign or signs for the proposed uses.

Section 9. That Section 27.63.420 of the Lincoln Municipal Code be amended to read as follows:

27.63.420 Permitted Special Use: Wind Energy Conversion Systems (WECS).

In any zoning district, except the AG and AGR, a special permit may be granted to allow wind energy conversion systems (WECS). For purposes of this section, a wind energy conversion system is defined as any device, such as a wind charger, windmill, or wind turbine, which converts wind energy to a form of usable energy. A special permit may be granted by the ~~City Council~~ Planning Commission subject to the following conditions:

(a) The distance from all lot lines to any tower support base of the WECS shall be determined according to the following WECS setback table. Intermediate rotor size distances shall be interpolated. The ~~City Council~~ Planning Commission may grant a reduction in the specific setback table distance when it finds that such reduction shall not adversely affect surrounding property and is consistent with the intent of this title to promote the public health, safety, and general welfare.

WECS SETBACK TABLE	
Rotor Diameter in Feet	Setback Distance
5	100
10	165
15	220
20	270
25	310
30	340
35	365
40	385

1 (b) The distance from any tower support base of a WECS to any tower support base of
2 another WECS under other ownership shall be a minimum of five rotor distances figured by the size
3 of the largest rotor. The ~~City Council~~ Planning Commission may grant a reduction in this re-
4 quirement if it finds that such reduction does not adversely affect the operation of either WECS.

5 (c) The WECS operation shall not cause interference to the radio and television reception
6 on adjoining property.

7 (d) To limit climbing access to the WECS tower, a fence six feet high with a locking portal
8 shall be placed around the WECS tower base or the tower climbing apparatus shall be limited to no
9 lower than twelve feet from the ground, or the WECS tower may be mounted on a roof top.

10 (e) Data pertaining to the machine's safety and stability shall be filed with the application.
11 Such data shall include safety results from tests conducted by the Rocky Flats testing facility or
12 other testing facilities.

13 (f) The applicant shall provide covenants, easements, or similar documentation from the
14 abutting owners providing access to wind sufficient for its adequate operation, unless adequate
15 accessibility to the wind is provided on the site.

16 (g) The WECS, if interconnected to a utility system, shall meet the requirements for
17 interconnection and operation as set forth in the electric utility's then current service regulations
18 applicable to WECS.

19 Section 10. That Section 27.63.430 of the Lincoln Municipal Code be amended to read
20 as follows:

1 **27.63.430 Permitted Special Use: Greenhouses.**

2 Greenhouses are intended to be located in areas of special consideration such as designated
3 flood plains and noise hazard districts or in urban fringe or large lot developments where such use
4 will not have an adverse impact on surrounding residential uses. Greenhouses shall be allowed by
5 special permit in the R-3 district under the following conditions:

- 6 (a) The minimum lot area is at least two acres;
- 7 (b) No retail sales shall be conducted on the premises;
- 8 (c) The greenhouse is an accessory use to a main residential use;
- 9 (d) All materials are stored inside buildings;
- 10 (e) Not more than twenty-five percent of the lot area may be devoted to such use;
- 11 (f) The proposed use shall not have any adverse or detrimental effect upon the values of
12 the surrounding land uses;
- 13 (g) In order to assure such use is compatible with surrounding uses, the ~~City Council~~
14 Planning Commission may impose ~~such~~ more restrictive height, area, parking, and sign require-
15 ments as may be necessary.

16 Section 11. That Section 27.63.470 of the Lincoln Municipal Code be amended to read
17 as follows:

18 **27.63.470 Permitted Special Use: Planned Service Commercial.**

19 Planned service commercial development may be allowed by special permit in the H-4
20 General Commercial District under the following conditions:

- 21 (a) The uses approved within a planned service commercial development shall be limited
22 to:
- 23 (1) Automobile, motorcycle, and four-wheel truck sales;

1 (2) Warehouses;

2 (3) Mini-warehouses;

3 (4) Wholesale and distribution centers not exceeding 30,000 square feet in floor area
4 per building, provided outside storage is permitted only when the storage area is enclosed with a
5 solid fence, wall, and gates eight feet in height and the stored material and equipment is less than
6 the height of the fence, wall, and gates enclosing the storage area. The fence, wall, and gates shall
7 be located where buildings are permitted;

8 (5) Service centers for the repair of household appliances and lawn and garden
9 equipment, provided outdoor storage of items to be repaired are permitted only when the storage
10 area is enclosed with a solid fence, wall, and gates eight feet in height and the items to be repaired
11 are less than the height of the fence, wall, and gates enclosing the storage area and no salvage or
12 scrap processing operation shall be permitted. The fence, wall, and gates shall be located where
13 buildings are permitted;

14 (6) Dwellings for caretakers employed and required to reside on the premises;

15 (7) Ambulance services;

16 (8) Hospitals and clinics for animals but not open kennels;

17 (9) Contractors' office and storage, including electrical, plumbing, heating, and air-
18 conditioning contractors, provided outdoor storage of equipment and materials shall be permitted
19 only when the storage area is enclosed with a solid fence, wall, and gates eight feet in height and the
20 stored equipment and material are less than the height of the fence, wall, and gates enclosing the
21 storage area. The fence, wall, and gates shall be located where buildings are permitted;

22 (10) Restaurants;

23 (11) Service stations;

1 (12) Stores or shops for retail sales and services not exceeding 30,000 square feet in
2 floor area per building; provided, there is at least four and one-half square feet of land area
3 excluding other uses and their accessory uses within the approved special permit area per one square
4 foot of floor area;

5 (13) Food storage lockers;

6 (14) Clubs, provided the activities are located no less than 150 feet from an abutting
7 residential district;

8 (15) Private recreational facilities; provided they are located within the building and
9 no less than 150 feet from an abutting residential district;

10 (16) Offices not exceeding 15,000 square feet of floor area per building; provided that
11 there is at least four and one-half square feet of land area excluding other uses and their accessory
12 uses within the approved special permit area per one square foot of floor area;

13 (17) Early childhood care facilities, provided that such facilities shall be fenced and
14 have play areas that comply with the design standards for early childhood care facilities. In addition,
15 such facilities shall comply with all applicable state and local early childhood care requirements and
16 all applicable building and life safety code requirements;

17 (18) Cabinet shops and stores; provided that the total floor area of the operation does
18 not exceed 5,000 square feet and that all materials, both raw and finished, be stored inside;

19 (19) Churches;

20 (20) Automobile repair, including vehicle body repair shops, provided that all disabled
21 vehicles and all new and used parts are stored inside the building only;

22 (21) Private schools;

23 (22) Banks, savings and loan associations, credit unions, and finance companies;

1 (23) Broadcast towers;

2 (24) Automobile/truck wash facility:

3 (i) Automatic, conveyor-operated: The length and location of vehicle stacking
4 lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be
5 in conformance with the Guidelines and Regulations for Driveway Design and Location as adopted
6 by the City of Lincoln.

7 (ii) Self-service, coin-operated: The length and location of vehicle stacking lane
8 or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in
9 conformance with the Guidelines and Regulations for Driveway Design and Location as adopted by
10 the City of Lincoln..

11 (b) An applicant for a special permit under the provisions of this section shall comply with
12 environmental performance standards relating to noise, emission, dust, odor, glare, and heat as shall
13 be from time to time established for those districts requiring use permits.

14 (c) Each application for a special permit under this section shall include a landscape plan
15 which shall show proposed plantings in conformance with city standards in all required yard areas,
16 open space areas, malls, parking areas, and around proposed buildings. The applicable standards
17 shall be those adopted by resolution of the City Council for those districts requiring use permits.

18 (d) The City Council may increase or decrease the height and area regulations and the floor
19 area to land area ratios otherwise applicable in the H-4 General Commercial District, consistent with
20 adequate protection of the environments of adjacent land uses;

21 (e) That the land surrounding the tracts for the proposed planned service commercial
22 development will not be adversely affected;

(f) That upon approval of a planned service commercial development, the land proposed to be included within such development shall not be developed for or devoted to any other permitted use or specially permitted use of the H-4 General Commercial District, except those specifically approved in the special permit authorizing the planned service commercial development, unless an amendment thereto has been approved ~~by the City Council~~ in accordance with the procedures set forth for approving special permits generally.

Section 12. That Section 27.63.530 of the Lincoln Municipal Code be amended to read as follows:

27.63.530 Permitted Special Use: Domiciliary Care Facilities.

Facilities to provide domiciliary care may be allowed in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 zoning districts under the following conditions:

(a) Parking shall be in conformance with Section 27.67.040(d)(13) unless modified under the condition of the special permit, provided that no parking shall be permitted in the required front or side yards.

(b) Domiciliary care facilities shall be licensed to comply with all state requirements for domiciliaries and/or residential care facilities.

(c) The total number of client or employee residents shall not exceed the lot area ratio below except as provided for in this section, and provided that all facilities may have up to four individuals sixty years of age or older and one family acting as the residential caretaker:

- (i) R-1 zoning district: One person per 3,000 square feet of lot area;
- (ii) R-2 zoning district: One person per 2,000 square feet of lot area;
- (iii) R-3 zoning district: One person per 2,000 square feet of lot area;
- (iv) R-4 zoning district: One person per 1,000 square feet of lot area;
- (v) R-5 zoning district: One person per 750 square feet of lot area;
- (vi) R-6 zoning district: One person per 750 square feet of lot area;

1 (vii) R-7 zoning district: One person per 750 square feet of lot area;

2 (viii) R-8 zoning district: One person per 750 square feet of lot area.

3 (d) Depending on the character of the development and impacts on adjacent land uses, the
4 ~~City Council~~ Planning Commission may grant an increase in the number of residents allowed in (d)
5 above where the site plan and building plans comply with the barrier-free standards in the design
6 standards as adopted by the City Council. Such increase shall not exceed fifty percent.

7 (e) The height and yard requirements of the district in which the proposed use is located
8 shall apply provided, however, that if the area of the lot is one acre or more, the height requirement
9 of the district may be adjusted to provide flexibility in the design of buildings and to provide
10 compatibility with surrounding uses except that solar access to adjacent buildings or potential
11 buildings on land under other ownership shall not be reduced by such adjustment.

12 Section 13. That Section 27.63.570 of the Lincoln Municipal Code be amended to read
13 as follows:

14 **27.63.570 Permitted Special Use: Race Tracks For Motorized Vehicles.**

15 Race tracks for motorized vehicles may be allowed by special permit in the AG and I-1
16 zoning districts in conformance with the following conditions:

17 (a) The application shall be accompanied by the following information:

18 (1) A plot plan drawn to an accurate scale showing the layout of the entire site
19 including the track, seating area, restrooms, parking lot, concession stands, lighting facilities, and
20 other pertinent information.

21 (2) Proposed water and sewer systems.

22 (3) Drainage and grading plan.

23 (4) Description of racing program including the type, number and average speed of
24 motorized vehicles and time and frequency of operations.

1 (5) Landscaping and screening plan.

2 (6) Proposed measures to mitigate potential adverse environmental impacts, such as
3 air quality, noise and glare.

4 (b) For sites located within the 65dB Ldn contour north of U.S. Highway 34 and any areas
5 within the 70dB and 75dB Ldn contours of the Airport Environs Noise District as shown on the
6 Airport Environs Noise District Map, the site shall contain at least twenty acres of land in the I-1
7 district and thirty acres of land in the AG district. For all other sites located within the city's zoning
8 jurisdictions, except where race tracks are prohibited under Chapter 10.20, the site shall contain at
9 least thirty-five acres of land in the I-1 district and fifty acres in the AG district.

10 (c) The proposed water, sewer and drainage facilities shall be reviewed and approved by
11 the Department of Public Works and Utilities and the Health Department.

12 (d) The operation of the race track shall not create an A-weighted sound level (dBA) which
13 exceeds 50 dBA, measured as a two minute equivalent A-weighted sound level (Leq) at any point
14 beyond one mile from the center of the track. Longer or shorter Leq periods may be used that are
15 appropriate to the type of racing event involved after consultation with the track operator. This
16 restriction shall not apply to any area within the 65, 70, and 75 dB Ldn contours of the Airport
17 Environs Noise District. To determine any noise level, a laboratory certified noise level meter
18 meeting American National Standards Institute (ANSI) standards shall be used.

19 (e) The site shall not be located within the inner areas of approach zones to the runways at
20 the Lincoln Municipal Airport as defined in Section 27.59.030 of this title.

21 (f) The site shall not be located in prime agricultural land and areas designated for
22 residential use, rural use, parks and open space, and the major ecological and environmental
23 protection areas in accordance with the Comprehensive Plan.

(g) The center of the race track shall be located at least one mile away from existing hospitals and churches, and residential areas, rural use areas, and parks and open space as designated by the Comprehensive Plan, provided that the ~~City Council~~ Planning Commission may adjust such distance criteria if the race track is located within the 65 dB Ldn contour in the Airport Environs Noise District. Such an adjustment shall be granted only upon a determination by the ~~City Council~~ Planning Commission that the proposed race track will not adversely affect adjacent land uses.

(h) The site shall be readily accessible from a major street or paved road with adequate access for law enforcement and emergency vehicles.

(i) The developer of a race track shall notify all residents within one mile of the center of the track if located in the AG district or within one-half mile of the center of the track if located in the I-1 district concerning the proposed race track. Receipts of such notice is mandatory as a condition precedent to the Planning Commission's public hearing.

(j) The site shall be located within reasonable reach of existing fire protection facilities. A report thereon shall be obtained from the fire protection district or authority in which the site is located.

Section 14. That Section 27.63.580 of the Lincoln Municipal Code be amended to read as follows:

27.63.580 Permitted Special Use: Nonprofit Religious, Educational and Philanthropic Institutions; R-6, R-7 and R-8 Districts.

Nonprofit religious, educational and philanthropic institutions may be allowed by special permit in the R-6, R-7 and R-8 zoning districts under the following conditions:

(a) The amount of parking required shall be equal to the amount which would otherwise be required for the use as set forth in Chapter 27.67 which is most analogous to the use proposed in connection with such religious, educational or philanthropic institution as determined by the

1 Planning Director. All required parking shall be located on the lot unless otherwise specifically
2 approved by the ~~City Council~~ Planning Commission, but in no event shall required parking be
3 located more than 300 feet from the lot upon which the use is located.

4 (b) No such use shall render a service which is customarily carried on as a business nor
5 shall any such use be approved which involves printing, publishing, manufacturing, or other
6 industrial uses on the premises.

7 (c) All signage shall be in conformance with the district regulations as set forth in Chapter
8 27.69 of this code.

9 Section 15. That Section 27.63.590 of the Lincoln Municipal Code be amended to read
10 as follows:

11 **27.63.590 Permitted Special Use: Temporary Storage of Construction Equipment and**
12 **Materials.**

13 Temporary storage of construction equipment and materials may be allowed by special
14 permit in the AG zoning district under the following conditions:

15 (a) The site shall be located in or within one mile of the future urban area as designated in
16 the Comprehensive Plan.

17 (b) Such use shall comply with the height, and area regulations of the AG district; except
18 that the City Council may reduce the minimum lot area to seven acres.

19 (c) The combined area of indoor and outdoor storage on the site shall not exceed two acres
20 and such area shall be fenced.

21 (d) The building and outdoor storage area shall be screened in accordance with city design
22 standards.

23 (e) Such use shall be permitted for a limited period of time not to exceed fifteen years which
24 shall be determined by the ~~City Council~~ Planning Commission with reference to the anticipated

1 urbanization of the surrounding area in accordance with the Comprehensive Plan and the Capitol
2 Improvements Plan. The permittee may request one administrative amendment for an extension of
3 the use up to five years.

4 Section 16. That Sections 27.63.010, 27.63.070, 27.63.120, 27.63.130, 27.63.170,
5 27.63.210, 27.63.280, 27.63.400, 27.63.420, 27.63.430, 27.63.470, 27.63.530, 27.63.570, 27.63.580
6 and 27.63.590 of the Lincoln Municipal Code as hitherto existing be and the same are hereby
7 repealed.

8 Section 17. That this ordinance shall take effect and be in force from and after its
9 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2004:

Mayor